S.B.CIVIL TRANSFER PETITION NO.20/2006

Smt. Sohani Devi
vs.
Dhagla Ram

DATE OF ORDER ::: 25.5.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. A Kala, for the petitioner.

None present for the respondent.

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Heard learned counsel for the petitioner as nobody appeared on behalf of the respondent despite sending the notice by registered post which has not been accepted by the respondent and has been received back with postal endorsement of refusal.

According to the petitioner, her marriage was solemnised with the respondent about 25 years ago. The petitioner and respondent had three children. The dispute appears to have arose in the year 2002 and there was a criminal case launched by the petitioner in the year 2003 and before that the petitioner submitted a petition under Section 125 Cr.P.C. in the Court at Jodhpur. The respondent submitted a petition under Sections 25 and 26 of the Guardian and Wards Act in the Court of District Judge, Balotra and that case no.27/2003 has already been transferred to the Family Court, Jodhpur by the order of

this Court dated 7.10.2004. In these facts and circumstances and apprehending physical injury from the respondent, the petitioner has filed the transfer petition for seeking transfer of divorce petition filed by the respondent and which is pending in the Court of District Judge, Balotra.

Looking to the facts of the case and which are not opposed by the respondent, it will be appropriate to transfer the petition under Section 13 of Hindu Marriage Act filed by the respondent.

In view of the above, this transfer petition is allowed, the Petition no.20/2006 (Dhagla Ram vs. Smt. Sohani Devi) filed by the respondent pending in the Court of District and Sessions Judge, Balotra is hereby withdrawn and is transferred to the Family Court, Jodhpur for deciding the same in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya